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Approved For Release 2004/10/28 : CIA-RDP80M01133A000800100025-3

14 May 1975

MEMORANDUM FOR: The Director

SUBJECT : The Mayaguez Incident - Some Germane
Points of Seamanship and Navigating
Procedures

1. On 14 May, I spoke over the secure phone with Captain Johnson, the Duty Captain in the U.S. Navy's Pentagon Operations Center, about normal navigating procedures for merchant vessels proceeding from Hong Kong to the port of Sattahip.

2. Captain Johnson confirmed my impression that under normal procedures, masters would stand off the South Vietnamese coast until they had rounded Ca Mau Peninsula, then turn and take essentially a rhumb line course for Sattahip. Adherence to such procedures, and such a course, would keep them well within the normal and customary ship channel for vessels proceeding to Sattahip.

3. These procedures are reflected in the instructions outlined in the U.S. Navy's sailing directions, which are the authoritative guides employed by masters of American flag vessels. The precise outer limits of the normal shipping channel for Sattahip are not specifically defined but anyone clearing Ca Mau by a distance of more than, say, 20 miles and then taking a rhumb line shot to Sattahip would be following standard procedure and be following the guidance of the Navy's sailing directions.

4. The sailing directions do call attention to hazards to navigation. The islands in the Gulf of Thailand -- e.g., Poulo Wai -- would be listed as hazards to navigation, with explicit or implicit instructions that they be avoided as such. Current sailing directions, however, do not contain cautions about the territorial

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waters aspects of these islands, i.e., a master would be expected to stand sufficiently clear of each of them to avoid physical risk to his ship but would not be under any order to avoid coming closer than 12 miles to any point on any such island. Ships travelling the normal shipping lanes, in fact, regularly clipped these islands much closer than 12 miles and, indeed, under certain sea or weather conditions sometimes made a course between them.

5. I asked Captain Johnson specifically whether under maritime law and normally accepted rules and procedures in effect as of 12 May 1975 (when the Mayaguez was seized approximately eight nautical miles SSW of Pulo Wai), the master of the Mayaguez could be faulted in any way against the test of taking "reasonable and prudent actions" with respect to his seamanship and the navigation of his vessel. Captain Johnson's answer was a flat, unambiguous "no."

George A. Carver, Jr.

George A. Carver, Jr.
Deputy for National Intelligence Officers

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MEMORANDUM FOR: Gen Wilson

W FYI

Sam: -

Here is a paper Carver sent
to the DCI on the Mangagney
incident. He left no off distribution
for some reason.

Shryak has seen this.

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<p>I thought you might be interested in the attached, the original of which was given to the Director along with a copy to [redacted]</p> <p style="text-align: right;">George A. Carver, Jr. D/DCI/NIO</p> <p>Attachment</p>			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
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Memo for the DCI, 14 May 75, SUBJ: The Mayaguez Incident - Some Germane Points of Seamanship and Navigating Procedures

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